



# Greater London Authority Act 1999

## 1999 CHAPTER 29

### PART IX

#### ENVIRONMENTAL FUNCTIONS

##### *Air quality*

#### **362 The Mayor's air quality strategy**

- (1) The Mayor shall prepare and publish a document to be known as the "London air quality strategy".
- (2) The London air quality strategy shall contain the Mayor's proposals and policies—
  - (a) for the implementation in Greater London of the policies contained in the strategy prepared and published by the Secretary of State in accordance with section 80 of the Environment Act 1995 (national air quality strategy), and
  - (b) for the achievement in Greater London of the air quality standards and objectives prescribed in regulations made under section 87(2)(a) and (b) of that Act,and may contain such other proposals and policies relating to the improvement of air quality in Greater London as the Mayor considers appropriate.
- (3) The London air quality strategy shall also contain information about—
  - (a) the air quality in Greater London and the likely future air quality in Greater London,
  - (b) the measures which are to be taken by the Authority, Transport for London and the London Development Agency for the purpose of the implementation of the London air quality strategy,
  - (c) the measures which other persons or bodies are to be encouraged by the Mayor to take for the purpose of the implementation of the London air quality strategy.
- (4) In preparing or revising the London air quality strategy the Mayor shall have regard—

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*Status: This is the original version (as it was originally enacted).*

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- (a) to reviews and assessments of air quality made by local authorities in Greater London in accordance with section 82 of the Environment Act 1995,
  - (b) to any designation by a local authority in Greater London of an air quality management area in accordance with section 83 of that Act,
  - (c) to any plan prepared for the purposes of the achievement of air quality standards by a local authority in Greater London in accordance with section 84(2)(b) of that Act, and
  - (d) to any guidance about the content of the London air quality strategy given to him by the Secretary of State for the purposes of the implementation of the strategy prepared and published by the Secretary of State in accordance with section 80 of that Act, (national air quality strategy).
- (5) In preparing or revising the London air quality strategy the Mayor shall consult—
- (a) the Environment Agency, and
  - (b) any local authority the area of which has a boundary which adjoins any part of the boundary of Greater London.
- (6) Where the Mayor revises the London air quality strategy, he shall publish it as revised.
- (7) In this Act, references to the London air quality strategy include, except where the context otherwise requires, a reference to the London air quality strategy as revised.

### **363 Directions by the Secretary of State**

- (1) Where the Secretary of State considers that either of the conditions specified in subsection (2) below is satisfied, he may give the Mayor a direction about the content of the London air quality strategy.
- (2) The conditions mentioned in subsection (1) above are—
- (a) that the London air quality strategy or its implementation is likely to be detrimental to any area outside Greater London, or
  - (b) that a direction about the content of the London air quality strategy is required for the purposes of the implementation of the policies contained in the strategy prepared and published by the Secretary of State in accordance with section 80 of the Environment Act 1995 (national air quality strategy).
- (3) The power of the Secretary of State to give a direction to the Mayor under subsection (1) above—
- (a) may be exercised either generally or specially, and
  - (b) may only be exercised after consultation with the Mayor.
- (4) Where the Secretary of State gives the Mayor a direction under subsection (1) above, the Mayor shall comply with the direction.

### **364 Duty of local authorities in Greater London**

In exercising any function under Part IV of the Environment Act 1995 (air quality) a local authority in Greater London shall have regard to the London air quality strategy.

### **365 Directions by the Mayor**

- (1) The Mayor may give a direction to any local authority in Greater London requiring the authority to provide him with such information, advice and assistance as he may require in the preparation and revision of the London air quality strategy.
- (2) The power of the Mayor to give a direction to an authority under subsection (1) above may be exercised either generally or specially.
- (3) Where the Mayor gives an authority a direction under subsection (1) above, the authority to whom the direction is given shall comply with the direction.

### **366 Interpretation of sections 362 to 365**

For the purposes of sections 362 to 365 above “local authority” has the meaning given to it by section 91(1) of the Environment Act 1995.

### **367 Directions under the Environment Act 1995**

- (1) Section 85 of the Environment Act 1995 (reserve powers of the Secretary of State in relation to air quality) shall be amended in accordance with subsections (2) to (4) below.
- (2) In subsection (1) (definition of “appropriate authority” for the purposes of the section) —
  - (a) in paragraph (a), for “England and Wales, the Secretary of State; and” there shall be substituted “local authorities in England and Wales other than local authorities in Greater London, the Secretary of State;”, and
  - (b) after that paragraph there shall be inserted—
    - “(aa) in relation to local authorities in Greater London, the Mayor of London; and”.
- (3) After subsection (4) there shall be inserted—
  - “(4A) The powers of the Mayor of London to give directions under this section to a local authority in Greater London may only be exercised after consultation with the local authority concerned.
  - (4B) In exercising any function under subsection (2), (3) or (4) above the Mayor of London shall have regard to any guidance issued by the Secretary of State to local authorities under section 88(1) below.”
- (4) In subsection (5) (power of the Secretary of State to give directions relating to obligations under the Community Treaties or to international obligations) after “local authorities” there shall be inserted “, other than local authorities in Greater London,”.
- (5) After subsection (6) (publishing of directions under the section) there shall be inserted—
  - “(6A) The Mayor of London shall send a copy of any direction he gives under this section to the Secretary of State.”

**368 Duty of the Mayor in relation to air quality action plans**

After section 86 of the Environment Act 1995 (functions of county councils in relation to district councils) there shall be inserted—

**“86A Functions exercisable by the Mayor of London**

- (1) Where a local authority in Greater London is preparing an action plan, the Mayor of London (referred to in this section as “the Mayor”) shall, within the relevant period, submit to the authority proposals for the exercise (so far as relating to the designated area) by the Mayor, in pursuit of the achievement of air quality standards and objectives, of any powers exercisable by the Mayor.
- (2) Where the Mayor submits proposals to a local authority in pursuance of subsection (1) above, he shall also submit a statement of the time or times by or within which he proposes to implement each of the proposals.
- (3) An action plan shall include a statement of—
  - (a) any proposals submitted pursuant to subsection (1) above; and
  - (b) any time or times set out in the statement submitted pursuant to subsection (2) above.”

**369 Consultation with the Mayor**

In paragraph 1 of Schedule 11 to the Environment Act 1995 (duty of local authorities to consult certain persons in the exercise of their functions under Part IV of that Act), after sub-paragraph (2) there shall be inserted—

- “(2A) A local authority specified in sub-paragraph (2B) below shall in carrying out the functions falling within sub-paragraph (1)(a) to (c) above also consult the Mayor of London.
- (2B) The local authorities mentioned in sub-paragraph (2A) above are—
  - (a) any local authority in Greater London,
  - (b) any local authority whose area is contiguous to the area of Greater London.”